



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 20905

PERMIT 14005

LICENSE 8583

THIS IS TO CERTIFY, That

EDWARD J. FREITAS AND EMILY M. FREITAS
18195 DOYLE ROAD, SAN JOSE, CALIFORNIA 95129

HAVE made proof as of MAY 11, 1967 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING (CALLAYOMI BROOK) IN LAKE COUNTY

tributary to CALLAYOMI BROOK (UNNAMED STREAM) THENCE PUTAH CREEK

for the purpose of DOMESTIC USE
under Permit 14005 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from AUGUST 20, 1962 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed FIVE HUNDRED (500) GALLONS PER DAY TO BE DIVERTED FROM JANUARY 1 TO
DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 425 FEET AND EAST 230 FEET FROM CENTER OF SECTION 14, T11N, R8W, MDB&M,
BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 14.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

PORTIONS OF LOTS 4, 5 AND 6 OF CALLAYOMI BLOCK, WHISPERING PINES SUBDIVISION,
BEING WITHIN SW1/4 OF NE1/4 OF SECTION 14, T11N, R8W, MDB&M.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

JUN 24 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 20905

PERMIT 14005

LICENSE 8583

Page 1 of 3

THIS IS TO CERTIFY, That

Edward J. and Emily M. Freitas
4903 Doyle Road
San Jose, CA 95129

Have the right to use waters of an Unnamed Spring (Callayomi Brook) in Lake County tributary to Callayomi Brook thence Putah Creek

for the following purposes: Domestic

Amended License 8583 supersedes the license originally issued 06/24/1968, which was perfected in accordance with the laws of California, the regulations of the SWRCB or its predecessor, and the terms of Permit 14005. The priority of this right dates from 08/20/1962. Proof of maximum beneficial use of water pursuant to Application 20905 was made as of 05/11/1967 (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed 500 gallons per day to be diverted from January 1 to December 31 of each year.

Unless a change is approved by the State Water Resources Control Board (SWRCB), water used under this license may be diverted, rediverted, stored and used only as specified below;

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 425 feet and East 230 feet from center of Section 14, T11N, R8W, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 14.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Portions of Lots 4, 5 and 6 of Callayomi Block, Whispering Pines Subdivision, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T11N, R8W, MDB&M.

Licensee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565:

- (1) Licensee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin the diversion of water under this license for noncompliance with the terms of this license and any order of the Court.
- (2) The Court has appointed a watermaster to implement the provisions of the March 10, 1995, Condition 12 Settlement Agreement.

- (3) Licensee may employ existing methods or means of measurement (or alternatively any other standard means of measurement normally acceptable or satisfactory to the SWRCB in its administration of appropriative water rights) for determining the amount of water directly diverted for use to storage under this license.
- (4) Licensee shall install at licensee's own cost such additional or other measurement devices as are necessary to measure actual diversions, if the SWRCB at the request of the watermaster, determines that additional measures are necessary to effectively administer the diversion and use of water in upper Putah Creek under Condition 14 of Decision 869 and Order WR 96-002.
- (5) Licensee shall report to the watermaster annually, on or about September 1, the amount of water directly diverted and/or diverted to storage under this license. Such annual reports shall be made in writing on forms approved by the watermaster.
- (6) The watermaster shall have the right to enter property to inspect measuring equipment and to observe compliance with this license's terms and conditions, upon 48-hours prior notice and upon such reasonable conditions as licensee may prescribe.
- (7) Licensee is hereby put on notice that there may be years when diversion of water under this license will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as provided in Condition 14 of Decision 869 and Order WR 96-002, and that in such years no water may be available under this license.
- (8) In the event Allowable Depletion as determined under the Condition 12 Settlement Agreement is exceeded in any year, licensee shall bypass/release water diverted to the extent necessary to bring Allowable Depletion into compliance as determined by the watermaster. Licensee's obligation to bypass/release water shall be governed by the following repayment provisions:

Licensee is required to curtail direct diversion of water during years when water is not available under the reservation. Licensee's obligation to repay shall be in reverse order of the priority of the license in relation to all other permits and licenses affected by Condition 14 of Decision 869.

Licensee is required to curtail diversion of water to storage during years when water is not within the reservation. During such years, unless replacement water is provided on an exchange basis, licensee shall release water collected to storage under this license, during the preceding collection season at the maximum practical rate to flow into Lake Berryessa. Licensee's obligation to repay shall be in reverse order of the priority of the license in relation of all other permittees and licensees affected by Condition 14 of Decision 869.

In the event that Lake Berryessa spills at any time prior to full payback of excess depletion, licensee shall be excused from any further obligation for repayment.
- (9) Licensee shall provide the watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of diversion, or by the provision of water from other sources.
- (10) Licensee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the license.
- (11) Licensee is hereby put on notice of licensee's right, upon reasonable prior notice, to inspect and to copy, at licensee's own expense, all records and reports of the watermaster.
- (12) The State Water Resources Control Board (SWRCB) shall have continuing authority under Article X, Section 2 of the California Constitution, Water Code Sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: (1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or

conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

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Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

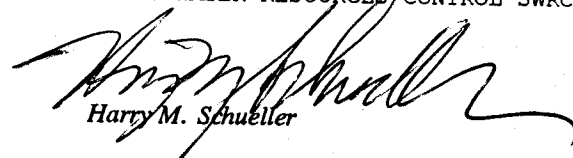
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

MAY 23 2000

STATE WATER RESOURCES CONTROL SWRCB



Harry M. Schueller

Chief, Division of Water Rights